

**From:** Mike Livingston <mlivingston@wellstown.org>  
**Sent:** Wednesday, October 26, 2022 11:58 AM  
**To:** Heather Heins <heatherheins3@me.com>  
**Cc:** Shannon Belanger <Sbelanger@wellstown.org>  
**Subject:** RE: Online Form Submittal: Contact Us (Dropdown)

Hi Heather:

See attached highlighted plan to hopefully help your understanding of the property lines.

The edge of pavement is not the property line. Shannon's information coincides with all that I have also stated and the plans.

The 10 foot pedestrian easement is held by the Developer/HOA. It is not the Town's easement.

Michael G. Livingston, PE  
Town Engineer/Town Planner  
Town of Wells, Maine

**From:** Heather Heins <[heatherheins3@me.com](mailto:heatherheins3@me.com)>  
**Sent:** Wednesday, October 26, 2022 11:13 AM  
**To:** Mike Livingston <[mlivingston@wellstown.org](mailto:mlivingston@wellstown.org)>  
**Subject:** Re: Online Form Submittal: Contact Us (Dropdown)

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**\*\* CAUTION EXTERNAL EMAIL \*\***

Good morning Mike,

Thank you very much for the detailed responses below. I greatly appreciate it. This is more information than we've received. As you can imagine, it's been extremely stressful not having information.

I have another clarifying question due to Shannon's recent email.

You state below:

"The walkway can only be located in the Town right of way or the 10 foot easement

"The walkway cannot be located beyond the 10 foot easement on your lot."

However, in Shannon's email this morning she states:

"I just wanted to clarify that the edge of the paved roadway of Hobbs Farm Road is not where the property lines begin. There is a good 10 feet +/- of grass from the edge of pavement to where the property lines are. Then the additional 10 feet is the pedestrian easement area. (See attached plan).

So the markings, approximately 20 feet from the edge of pavement, would be a correct indication of the pedestrian easement limit.”

Her comments contradict what you stated in your email to me. This confusion is what is causing significant stress and anxiety with myself and Gordon and I believe the other residents affected. Can Ben build the walkway outside of the Town’s 10’ easement? If yes and he can put this onto our actual property, then I would like to request the document that outlines he has the right to do so as I can’t locate anything to this affect. I would feel much better knowing he absolutely can’t build outside the 10’ easement owned by the Town. I would appreciate you confirming.

Also when Shannon states 10 feet +/- are we talking a few inches? Please clarify.

Thank you again for your responses.

I will look forward to meeting you on Monday,

Heather

On Oct 26, 2022, at 10:00 AM, Mike Livingston <[mlivingston@wellstown.org](mailto:mlivingston@wellstown.org)> wrote:

Hi Heather:

See comments/responses in [blue](#) below:

Thank you.

Michael G. Livingston, PE  
Town Engineer/Town Planner  
Town of Wells, Maine

**From:** Heather Heins <[heatherheins3@me.com](mailto:heatherheins3@me.com)>  
**Sent:** Monday, October 24, 2022 8:53 AM  
**To:** Mike Livingston <[mlivingston@wellstown.org](mailto:mlivingston@wellstown.org)>  
**Cc:** Shannon Belanger <[Sbelanger@wellstown.org](mailto:Sbelanger@wellstown.org)>  
**Subject:** Re: Online Form Submittal: Contact Us (Dropdown)

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**\*\* CAUTION EXTERNAL EMAIL \*\***

Dear Mike,

Thank you for responding and reading the email we sent to you on October 16, 2022.

We appreciate you sharing information on the density bonus and the concern for pedestrian safety; however, you did not provide answers to the questions we posed in the email, and we respectfully request that you do.

For your convenience, I've posed the questions again below:

- We both appreciate the concern for pedestrian safety; however, we respectfully ask how installing a sidewalk on only four homes protects pedestrian safety? How will the Town address pedestrian safety once they hit Lot 22? How will the Town address pedestrian safety for Lots 55 – 57 or once you want to cross the bridge? [The approved plans require a walkway from Meeting House Road to Branch Road except for the bridge location, not just 4 lots. See plan portions attached.](#)
  - Of note, for the past 2 years, several people walk Hobbs Farm Road and despite there being some gravel paths on portions of the road, they all still walk on the road, not on the gravel path. [No portion of the walkway has been established by the developer as required to meet the approved requirements.](#)
- Why was this walkway not installed at the time our homes were under construction? [That would be a question for the developer. The walkway construction was approved in phases as the project is developed to be completed or a performance guaranty provided. The current application review and possible approval will include a deadline to complete.](#)
  - Please note we were never advised about even the potential of a walkway being installed. We were aware of the 10' easement; however, we were given the impression it was for maintenance obligations such as underground utilities.
  - Given a mailbox, utility poles and drain were all installed, as well as grass right to the road, we were led to believe nothing was to take place within the 10' easement or beyond.
- If this walkway is installed, the street will lose mature trees as well as trees and landscaping we as community members have invested in. Had we known a walkway was going through our yard, we wouldn't have spent \$800 to have a tree installed as well as several hundreds of dollars on landscaping, lawn care and invisible fencing for our dog. [The walkway can only be located in the Town right of way or the 10 foot easement. Although lawn was installed to the edge of the road pavement, this is either Town land or subject to the easement held by the developer/HOA. See attached plans.](#)
  - Who will reimburse us for these investments that will be damaged and/or killed because of the walkway? [That could be a question for the developer, but trees should not have been planted in the Town right of way or the 10 foot easement.](#)
- If there is a need to have a walking path within the Hobbs Farm community, why can't walkways be installed during construction of new homes yet to be built behind the Maintenance Free Community?

[As stated in the previous e-mail, walkways were required in the 2015 approval for public access and public safety along Hobbs Farm Road.](#)

- Mr. Omensky had advised if he was unsuccessful in having the walkway requirement removed with the Town, he would have it go 4' up from the road. Why are we now being told it will go up 10'? Actually, we weren't told, we can see only from the spray paint in our yard and in some cases, the markings are greater than 10'. Will this walkway extend beyond the 10' easement? If yes, please explain and provide documentation that allows Mr. Omensky to extend the walkway on our property. [See attached HOA Declaration and highlighted plans that depict the 10 foot easement. The walkway cannot be located beyond the 10 foot easement on your lot. Also see the language in the deeds that references lots being subject to these rights.](#)
- Our lot, #15, is on a hill and this walkway would be on a slope. This would be awkward for anyone to walk on and potentially a safety hazard if someone were to actually walk on it. Realistically, we don't think anyone is going to feel comfortable walking in the middle of anyone's front yard. If someone were to have an accident on this walkway, who is liable? What if an accident occurs on the portion of the walkway that bleeds onto our property? [The Planning Board has required the](#)

developer to produce a plan of the proposed walkway as part of the current applications. Liabilities would be a question for the HOA's or your homeowner insurance carriers.

- Is there any concern for our privacy? With the walkway going into almost the middle of our yard, people will easily be able to look into our front bedroom.
- As we are receiving conflicting information from Mr. Omensky, we would like to request a copy of the full plan that shows all lots affected by the walkway, how wide it will be, how high up from the road it will go, and will it be consistent for all four lots affected? If it is not consistent with all four lots, please provide an explanation as to why. May we pick up a copy of the plan from your office on Monday, October 24, 2022? [See attached plans of the existing easement. The Town has not received a final walkway design from the developer.](#)

We were also told the Town wanted the walkway to curb the speed on Hobbs Farm Road. If the walkway is only happening on four homes, how would this impact speed? [As stated in the previous e-mail, walkways were required in the 2015 approval for public access and public safety along Hobbs Farm Road, not just 4 lots. The walkway was not considered to slow speed, but to provide a safer location for pedestrians to walk.](#)

- In the voicemail message Mr. Omensky left us on September 28, he stated the walkway was going to be an actual sidewalk with a curb. What changed that this is now a tarred pathway? We watched the board meeting that took place on October 17, 2022. Now it sounds that if a walkway goes in it will be stone dust. What will it be if it is installed? [The Town has not received a final walkway design from the developer. This will be determined after the public hearing and after plans are provided.](#)
- When we drive through other new communities in Wells like ours, there are no walkways. Why is this community different? [See previous e-mail, the area was being developed from 4 existing homes to 174 homes, a significant impact which needed to be addressed.](#)
- If this walkway goes in, who will be maintaining the walkway? Wear and tear maintenance as well as keeping it clear for walking such as when it snows, grass and weeds growing through the stone dust, etc.? [The HOA, see Declaration portions attached.](#)

Thank you for advising us the public hearing will be held on October 31, 2022 at 7:00 pm. We will plan to attend. It would be appreciated if you would kindly provide a response to our questions before this meeting occurs. If possible, by Friday, October 28, 2022 so we may be respectful of everyone's time.

We thank you in advance for your consideration of our request to put a stop to the pedestrian walkway being installed on Lots 12 – 15.

Sincerely,

Heather and Gordon Heins

On Oct 20, 2022, at 5:38 PM, Mike Livingston <[mlivingston@wellstown.org](mailto:mlivingston@wellstown.org)> wrote:

Dear Heather:

[Thank you for your comments and questions regarding the walkway along Hobbs Farm Road.](#)

[The roadside walkway was approved in 2015 as a requirement of the subdivision approval at that time. Two subdivision ordinance criteria that needed to be met were satisfied by the developer proposing the walkway. One item was to create public access to the Open Space for which the developer received a 5% density bonus for doing so. The other item was to provide safe traffic and pedestrian conditions. Many pedestrians use the road to walk and jog on which comes into conflict with](#)

vehicles. Prior to the subdivision, only 4 homes were located on Hobbs Farm Road and Storers Lane. The development was approved as 174 new dwellings which is a significant increase in use by vehicles and pedestrians. At all previous meetings on this development, the public has raised safety concerns which are greatly addressed by constructing the walkway.

It is unfortunate you were not aware of this requirement. The walkways and associated easement across your lot are well documented on the approved plans and the HOA Declaration. The developer is currently before the Planning Board for an amendment to eliminate the golf course. You will be receiving a notice of a public hearing in the next week for the October 31<sup>st</sup> Planning Board meeting. The construction of the walkway will be a topic of discussion and your comments have been provided to the Planning Board.

Thank you.

Michael G. Livingston, PE  
Town Engineer/Town Planner  
Town of Wells, Maine

**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com) <[noreply@civicplus.com](mailto:noreply@civicplus.com)>  
**Sent:** Sunday, October 16, 2022 3:15 PM  
**To:** Mike Livingston <[mlivingston@wellstown.org](mailto:mlivingston@wellstown.org)>; Shannon Belanger <[Sbelanger@wellstown.org](mailto:Sbelanger@wellstown.org)>  
**Subject:** Online Form Submittal: Contact Us (Dropdown)

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**\*\* CAUTION EXTERNAL EMAIL \*\***

## Contact Us (Dropdown)

First Name	Heather
Last Name	Heins
Address1	433 Hobbs Farm Road
Address2	<i>Field not completed.</i>
City	Wells
State	Maine
Zip	04090

Phone Number 6032054665

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Email Address [heatherheins3@me.com](mailto:heatherheins3@me.com)

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Whom would you like to contact? Planning Board

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Question / Comment October 16, 2022

Mr. Michael G. Livingston, Town Engineer/Planner  
Ms. Shannon L. Belanger, Assistant Planner  
John K. MacLeod III, Chair  
Kathleen Chase, Vice Chair  
Scott DeFelice  
Robert Foley  
Timothy Roche

Town of Wells  
208 Sanford Road  
Wells, ME 04090

Re: Pedestrian Walkway Planned for Hobbs Farm Road

Dear Mike, Shannon, and Board of Selectmen:

We are writing to you all to gain understanding and to request reconsideration of the planned walkway for four homes on Hobbs Farm Road. It is our understanding from Mr. Ben Omensky of Burnt Mill Holding Company, a tarred walkway will run from Meetinghouse Road beginning at Lot 12 through Lot 15 only. At the end of Lot 15 to Lot 22, it will remain as a gravel walkway, Lot 22 will be untouched and then the gravel walkway will continue to the Maintenance Free Community, cross over the street into the Maintenance Free Community and will continue to be built once further construction begins.

We are extremely distressed over this news and have had little to no communication about it from Mr. Omensky. We were so excited to move to Wells from Kittery in January 2021 and be a part of this new community. However, we've experienced heartache, disappointment, and frustration with surprises such as this walkway and multiple commitments not met by Mr. Omensky. That said, our intent with this letter is to focus on our request of the walkway not being installed.

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We were first notified of the possibility of this occurring on June 30, 2022, from Mr. Omensky; however, Mr. Omensky advised he did not want the walkway to be installed and would be addressing it accordingly with the Town. As a result, he asked us to not contact the Town and to wait to hear from him. The next time we heard from Mr. Omensky was on September 28 in which he left a voicemail advising he was still working with the Town to have this requirement removed and that we as a community should consider filing a petition about it to the Town of Wells. He stated he would coordinate a Zoom call for all those affected to share more details and to discuss next steps. We waited patiently for this call to be scheduled, but it never took place. Instead, Mr. Omensky and a Police Officer appeared on our front lawn on October 13 spray painting orange markings. Please be advised we were never given any notice this visit would be taking place. It was upsetting and unsettling to say the least as I, Heather Heins, was home alone working. As I did not know what was happening, I remained inside my residence. To this date, Mr. Omensky has not shared any details with us. We have since learned through neighbors in the community that Mr. Omensky is planning to put in a tarred pedestrian walkway 10 feet up from the road through the yards on the lots mentioned above.

As you can imagine, we and many of the community members we've spoken to are extremely upset hearing this news. We've all worked extremely hard on our homes to make them look beautiful and ensure we maintain the integrity of the wetlands and all the mature trees, etc.

We have had no clear communication on why this is taking place and would like to understand how installing this walkway benefits the Town of Wells and the Hobbs Farm community.

We would greatly appreciate a written response to our questions:

- What is the benefit of installing a walkway on four homes only on Hobbs Farm Road? We could understand if the walkway was going to travel the entire road, but not for only four homes.
  - o If the walkway is for pedestrian safety, then please explain why it will only impact four homes? Meaning as a pedestrian,
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you can use a tarred walkway from Meetinghouse Road to Lot 15. From Lot 15, you will have access to walk on a gravel path. Then at Lot 22 you will need to walk on the road. Past this lot you will have access to the gravel road until the Maintenance Free Community. Beyond the Maintenance Free community, you will have some gravel side access, but it is mostly only road access to walk on to Branch Road. Of note, even with the gravel access, rarely does anyone walk on the gravel. They walk on the road.

o Per Mr. Omensky, he is against the walkway going in and states it is being mandated by the Town of Wells. Is this accurate?

- If Lot 22 is not going to have the same tarred walkway, again we ask, what is the benefit of the walkway?

- Why was this walkway not installed at the time our homes were under construction?

o Please note we were never advised about even the potential of a walkway being installed. We were aware of the 10' easement; however, we were given the impression it was for maintenance obligations such as underground utilities.

- If this walkway is installed, the street will lose mature trees as well as trees and landscaping we as community members have invested in. Had we known a walkway was going through our yard, we wouldn't have spent \$800 to have a tree installed as well as several hundreds of dollars on landscaping, lawn care and invisible fencing for our dog.

o Who will reimburse us for these investments that will be damaged and/or killed because of the walkway?

- If there is a need to have a walking path within the Hobbs Farm community, why can't walkways be installed during construction of new homes yet to be built behind the Maintenance Free Community?

- Mr. Omensky had advised if he was unsuccessful in having the walkway requirement removed with the Town, he would have it go 4' up from the road. Why are we now being told it will go up 10'? Actually, we weren't told, we can see only from the spray paint in our yard and in some cases, the markings are greater than 10'.

- Our lot, #15, is on a hill and this walkway would be on a slope. This would be awkward for anyone to walk on and potentially a safety hazard if someone were to actually walk on it. Realistically, we don't think anyone is going to feel comfortable walking in the middle of anyone's front yard. So again, we ask how does this walkway benefit anyone?

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- As we are receiving conflicting information from Mr. Omensky, we would like to request a copy of the full plan that shows all lots affected by the walkway, how wide it will be, how high up from the road it will go, and will it be consistent for all four lots affected? If it is not consistent with all four lots, please provide an explanation as to why.
- We were also told the Town wanted the walkway to curb the speed on Hobbs Farm Road. If the walkway is only happening on four homes, how would this impact speed?
- As this is no longer a golf course community, why is there a need for a walkway especially one so large? We've also been advised not only will it go up 10' but it will be 4 – 5 feet wide.
- In the voicemail message Mr. Omensky left us on September 28, he stated the walkway was going to be an actual sidewalk with a curb. What changed that this is now a tarred pathway?
- When we drive through other new communities in Wells like ours, there are no walkways. Why is this community different?
- If this walkway goes in, who will be maintaining the walkway? Wear and tear maintenance as well as keeping it clear for walking such as when it snows, etc.?
- Not one community member we've spoken to is happy about this walkway being installed.

Our understanding is there is a planning board meeting on October 17 and a Board of Selectmen's meeting on October 18. We would kindly like to request this letter be added to both agendas.

We thank you in advance for your consideration of our request to put a stop to the pedestrian walkway being installed on Lots 12 – 15 and thank you again for a written response to all the questions we've posed in this letter.

Sincerely,

Heather and Gordon Heins  
433 Hobbs Farm Road (Lot 15)  
Wells, ME

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<Declaration - Trail Esmts.pdf><Trail-Pedestrian Esmt Plans B Mill.pdf><Portion Heins Deed.pdf>